

## CITY OF DENTON CITY COUNCIL MINUTES

June 3, 2014

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, June 3, 2014 at 2:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Watts; Mayor Pro Tem Engelbrecht, Council Member Gregory, Council Member Hawkins, Council Member Johnson, Council Member Roden and Council Member Ryan

ABSENT: None.

### 1. Citizen Comments on Consent Agenda Items

There was no Citizen Comments on Consent Agenda items.

### 2. Requests for clarification of agenda items listed on the agenda for June 3, 2014.

There were no requests for clarification from Council.

### 3. Work Session Reports

- A. ID 14-0174 - Receive a report, hold a discussion, and give staff direction regarding the creation of a Tax Increment Reinvestment Zone for the construction of a Hotel and Convention Center on approximately thirteen acres of land located along Interstate 35 on University of North Texas property.

Aimee Bissett, Director of Economic Development, stated that the proposed TIRZ was for the convention center construction with construction bids due June 17th. The zone allowed other taxing entities to participate in the financing mechanism for the construction of the convention center only. It was important to know that the TIRZ was created and who would be participating before the determination of the feasibility of the financing. If the Zone was not feasible by all entities, Council would have the opportunity at a future date to get remove the TIRZ.

David Pettit, Economic Development Consultant, stated that the purpose of the Zone was to facilitate the development of a full service hotel and convention center. The ordinance would establish the boundary, the term of the Zone, the City participate rate, TIRZ board makeup and preliminary project and financing plan. After creation, the preliminary project and financing plan would be separately considered by the TIRZ Board and City Council.

The current condition of the property was vacant, undeveloped land owned by the University of North Texas. A taxable value analysis was conducted which examined comparable taxable values, taxing jurisdiction participation rates; TIRZ term and anticipated revenues to the TIRZ. The city of Denton would participate with 100% of its incremental real property tax revenue; potential Denton County participation would be 75% on its incremental real property tax revenue; and Denton ISD potential rate would be 75% on its incremental real property tax revenue. The term of the Zone would be a 30 year period with no revenue until at least 2017 and then only partial until stabilized. All anticipated new tax revenue generated during the life of the TIRZ was estimated at \$27 million.

Mayor Watts asked why it would take so long to get to \$27 million.

Pettit stated that during the appraisal they would look at how much was completed and would not receive revenue until a full 16 months later. Any new project coming on line needed a stabilization period. The TIRZ revenue represented current assumptions of project build out and taxing jurisdiction participation. If less development was delivered or the other taxing jurisdiction participation was less, the TIRZ revenue will be less. The next steps for the creation included a public hearing and approval of the creation ordinance.

Council Member Roden asked if the 15% educational discount was a set amount.

Jon Fortune, Assistant City Manager, stated that 15% was an estimate at this time and was not definitely set. The amount would be unknown until the Appraisal District made a decision on the property value.

Council Member Roden stated that the square footage for UNT would be set and then it would be up to appraisers to determine the value.

Council Member Johnson asked if the creation of the TIRZ would limit the future use of the property in the zone.

Pettit replied no, that it was about where the revenue went.

Mayor Watts stated that the TIRZ was to help supplement rent payments. The development agreement indicated that the City had the right to terminate the agreement if the participation level was not acceptable. He asked if there was any idea what level would be needed.

Fortune replied it would be a 75% level from the DISD and the County.

Mayor Watts stated that in the future, if there was a deal killer in this kind of agreement, not to have it done at the end of the agreement rather than at the front end. He questioned if there had been preliminary discussions on a level of participation with the other entities.

Fortune stated that there had not been any formal discussions at this point.

Council Member Gregory stated that there were a lot of other triggers to not make the proposal move forward than just the participation amount with the TIRZ.

Fortune stated that was correct.

Council Member Ryan questioned the difference between 30 years versus 25 years for the term of the Zone. He questioned what the revenue would be used for if paid off in 25 years.

Fortune stated that if there was any money left at the conclusion of the debt it would have to be used towards the TIRZ.

Mayor Watts stated that there will be a point when all of the elements were worked through and a meeting where each entity would indicate whether they were in favor of moving forward.

Fortune stated that in December Council made the steps through the master agreement. The day the Council was ready to sell the bonds was when the project was a final yes for the City.

Mayor Watts stated that the question was if the entities said yes to each step what happened when the process got to the end and then there were nos.

Council Member Gregory stated that there were check points to make until the bonds were issued and there were several points where the process could be stopped from moving forward such as the construction costs being too high

Council Member Roden felt it might be helpful to have metric points looking forward in the approval process.

Mayor Pro Tem Engelbrecht felt that was important to be careful about referencing a decision regarding the conference center. For example in the strategic plan, there was a mention about using the convention center but it had not been approved yet.

- B. ID 14-0177 - Receive a report, hold a discussion, and give staff direction regarding Denton Plan and Denton Development Code amendments to allow for various land uses at the North Texas State Fairgrounds.

Ron Menguita, Development Review Committee Administrator, stated that this was a request from the North Texas State Fairgrounds to find an option to allow the storage of vehicles independent of a primary use. Vehicles were being stored on the Fairgrounds in order to generate revenue for the Fairgrounds. Vehicles had been stored there in October 2011 and again in March 2014. The vehicles in March were from the Classic Cars dealership while a new facility was being constructed. Residents in the nearby subdivision complained about the storage of the vehicles, some very close to their property lines. The Fairgrounds would like to find a way to store vehicles there on a more permanent basis.

Council Member Roden questioned what would be the need for long term storage of vehicles at the Fairgrounds.

Menguita stated that they would like it as a revenue generator.

Council Member Roden stated that there was an interesting context with this issue. Whether there would be a difference if a major manufacturer needed a location to store vehicles as opposed to an out-of-town dealer needing a location.

Council Member Hawkins asked how many vehicles were currently at the location.

Menguita stated there were about 40-45 vehicles varying from compact cars to trucks to large vans belonging to Classic Used Cars.

Council Member Gregory asked when a vehicle was no longer considered parked but stored.

Menguita stated that storage was defined as being stored for not for sale or immediate movement. There were different requirements for parking and for storage.

City Attorney Burgess stated that how long a car was parked before it was considered stored really was a question of time and purpose with regard for the reason the car was in the location.

Council Member Hawkins stated that he noticed today that there were a lot of cars northeast of the church parking lot.

Menguita stated that they probably had cars in two locations. He reviewed the zoning of the property and surrounding property. Staff had researched various options for Council to consider but only recommended that storage of vehicles be added to the list of land uses in Subchapter 35.5 and identify which zoning districts that this use would be permitted, not permitted, permitted with a specific use permit or permitted with a limitation. He reviewed the current list of zoning districts where such uses would be permitted and the zoning districts where storage of vehicles could potentially be located.

Mayor Watts felt that the off-site location was one of determining factors.

Menguita stated that the Fairgrounds was currently zoned NRMU and NRMU-12. The closest of the possible zoning districts for vehicle storage would be CM-G.

Council Member Gregory asked if NRMU or CM-G were permitted to allow for rodeos.

Menguita stated that rodeos were considered a major event entertainment category and NRMU did not allow it but CM-G did with an SUP.

Council Member Gregory asked if that was the same for livestock shows.

Menguita stated that there was no specific category for those.

Council Member Gregory stated that the Fairgrounds had been operating out of compliance with the zoning for years and years.

Menguita replied correct. He continued that assuming that a Denton Development Code amendment was approved to allow storage of vehicles in the CM-G, the Fairgrounds would need to apply for a Comprehensive Plan amendment to go from the existing land use to CM-G. This would create a non-conforming use as the DDC did not list fairgrounds as a land use in Subchapter 35.5.

Council Member Gregory asked if it would be possible to change just part of the property zoning or zone with a SUP that would respect the residences to the north but allow for the uses that were happening for a long time.

Menguita stated that the entire property would not have to be zoned; a portion of the property could be done.

Mayor Pro Tem Engelbrecht stated that the third step would be a SUP.

Menguita stated correct for the Major Event category.

Council Member Gregory asked if there would be a need for rezoning with the CM-G and associated SUP category or if there would be any unanticipated financial expenditures.

Menguita stated that there would be no need for re-platting. There would only be application fees of about \$2000 with \$16 per acre. Staff did not recommend extending CM-G as it would be introducing a more intense land use that would not be compatible to the surrounding area.

Council Member Roden stated that if the zoning remained the same, the Fairgrounds could keep on with its current activities and not be in violation.

Menguita stated correct. Staff was also not recommending amending Subchapter 35.5 as such an amendment would allow Major Event Entertainment uses within all properties zoned CM-G throughout the City.

Council Member Roden questioned why the issue was before Council at this point.

John Cabrales, Assistant City Manager, stated that a majority of Council had contacted him and asked for a legal way to allow for this use. A notice of violation letter was pending against the Fairgrounds. The issue was coming from the direction from various council members to allow for storage use at that facility.

Council Member Roden clarified that it was from a majority of previous Council.

Cabrales replied correct.

Council Member Johnson stated that the discussion was about zoning and what the Fairgrounds was doing now which did not conform to that zoning. The Fairgrounds was told that they could not store vehicle when they did not have a designation of parking.

Mayor Pro Tem Engelbrecht stated that the community had built up around the Fairgrounds and staff worked with the community to accommodate the rodeo. The attempt was to keep it going at that location and yet live with the neighborhood. Now there was a new level of activity called storage which the neighborhood had not seen before. The neighborhood was concerned about the level of activity. Another issue if Peterbilt was to park there would be the amount of weight capacity for the property. It appeared to the neighbors that the activity was ramping up.

Menguita stated that staff would have to expand its research to include other types of vehicles and vehicle weight.

Council Member Roden questioned what direction was needed from Council.

Cabrales stated that staff had presented options to consider to reach a direction to legally have the use on the property. The options presented would involve quite a bit of movement from the Planning Department to get that done. There was still a violation of the ordinance and the Fairgrounds would be sent a notice of violation.

Council Member Gregory stated that the Fairgrounds had worked hard with the neighbors. He would like a resolution to this so that the Fairgrounds could continue to generate additional

revenue to realize the goal to move to a more appropriate location. He hoped a way could be found to not create an undue hardship on the neighborhoods.

Council Member Hawkins asked if there had been complaints since the cars were moved to the southwest corner.

Cabrales stated that the complaints came when the cars were parked on north side. The Fairgrounds had agreed to park the cars on the south side of the property and he was not aware that they were on the north side again.

Mayor Pro Tem Engelbrecht proposed that staff host a neighborhood meeting to include Community Improvement Services, Planning and the Fairgrounds to discuss what was needed.

Mayor Watts stated that staff did not want to extend CM-G further north for fear of inclusion with other uses. He was not as concerned as overlay conditions could be applied. He felt there were enough tools to tie down the zoning and still provide protection of the neighbors. He suggested using the current tools to find a way to craft the proposal. He requested an informal staff report on the Fairgrounds proposal to relocate to the north side of the City and not being able to do so due to the lack of utilities. He agreed with holding a meeting as noted and to use the tools available to get done what need to get done.

Mayor Watts announced that Item E would be considered next.

- E. ID 14-0182 Receive a report, hold a discussion, and give staff direction regarding project recommendations from the Citizens Bond Advisory Committee for the November 2014 bond election.

Randy Robinson, Co-Chair of the Bond Committee, reviewed the history of the establishment of the Citizens Bond Advisory Committee. Three subcommittees were formed to discuss the specific service areas of transportation (including drainage), public facilities and leisure services. Council requested that the Committee focus on the priorities of existing facilities, infrastructure, drainage improvements and the Downtown area. The Council also requested the Committee specifically consider including the reconstruction of Fire Stations No. 3 and No. 4 and \$12 million for the reconstruction of city streets. The inclusion of new facilities, infrastructure and public art projects was also considered.

The Committee solicited community feedback and held four community meetings, receiving 166 comments/suggestions through email, the website, phone or comment cards.

The Committee recommended a \$98 million bond program for the November 2014 election. Funding would be allocated among transportation at \$61 million; drainage at \$8.5 million; public safety at \$16 million and parks at \$11 million. Approximately \$535,000 was planned for public art.

The program assumed up to a 3 cent tax rate increase over the funding period. The tax rate estimate was based on an 8% growth for assessed values in 2014-15 and 4% growth thereafter. The tax rate impact would vary based on actual appraised values realized in each year.

Council Member Watts questioned when the taxes would be levied in the process – whether it would be all at once or staggered.

Bryan Langley, Assistant City Manager, stated that the \$19 million would be in 2014-15 so the tax rate would be the following year.

Robinson continued with a review of street reconstruction which totaled \$24 million. There was a priority list of projects for that amount of money. The projects for mobility improvements for \$31.9 million, traffic for \$5.7 million, drainage for \$8.5 million, public safety facilities for \$16.5 million and parks for \$11.3 million were reviewed.

Council Member Gregory asked about the police fire training facility.

Robinson stated that facility had a large price tag and if Council wanted to increase the tax rate one cent over the proposed three cents, it might be possible to include it in the program. Projects for future consideration included the community market proposal, a Downtown parking garage, a visitor center, and a municipal complex space study/facilities plan. He presented the next steps for the election calendar moving towards the election date of November 4th.

Council Member Roden thanked all of the members present who worked on the Bond Committee. He noted that the Splashpark found its way to a part of the recommendation. \$200,000 had been allocated with possible matching funds but the recommendation did not require those matching funds. He questioned if it would be funded only if the matching funds were raised.

Robinson replied correct that the matching funds were raised to help support the cost, then it would proceed.

Council Member Roden questioned how the ballot options would look on the ballot and whether public art would be a separate proposition. He asked if the Committee had any specifics in terms of public art projects that the Committee recommended or a recommended level of funding.

Robinson stated that non-infrastructure projects such as facilities and parks were eligible for a percentage of the funding. The art projects must be related the improvement projects.

Council Member Roden asked if the recommendation included a prioritization of what year the projects were done.

Robinson stated that it would be dependent on when the bonds could be issued and also the logistics of when the projects could be done.

Council Member Gregory understood the issue of no public art for all projects and what to do with the police firing range. There was a limited amount of money and the issue was how to spend the money in the best manner.

Langley stated that there could be some flexibility with the four propositions to be considered under the one for public safety improvements. Any public safety area could have art included as it was tied to the proposition areas.

Robinson stated that there was no separate proposition for public art. The Committee felt that they had identified an amount for public art and the funding for those eligible projects would be 2%.

Mayor Watts questioned if the projects and amounts would be memorialized as opposed to broad categories listed on ballot.

Langley stated that the proposition language and ordinance to call the election would have more details than what would be listed on the ballot.

Item D was considered.

- D. ID 14-0215 Receive a report, hold a discussion and give staff direction regarding City Council committee nominations and City Council board appointments.

Jennifer Walters, City Secretary, stated that members of Council serve on designated standing committees to assist with the development of policy. The committee assignments were reviewed annually to allow the opportunity to make adjustments if necessary. Any changes made to the committee assignments in the Work Session would be reflected in the regular meeting for Council formal consideration.

Council discussed the assignments and made recommendations for changes.

- C. ID 14-0184 Receive a report, hold a discussion, and provide direction on proposed revisions to the City of Denton Strategic Plan.

This item was not considered.

Following the completion of the Work Session, the City Council convened in a Closed Meeting to consider the specific items listed below under the Closed Meeting section of this agenda.

1. Closed Meeting:

- A. ID 14-0189 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential eminent domain proceedings against certain real property interests located in the S. McCracken Survey, Abstract Number 817, in the City of Denton, Denton County, Texas, being 2.912 acres and 0.040 acre tracts of land for electric easements, and being 1.160 acre and 0.048 acre tracts of land for temporary construction easements, all located generally north of Loop 288, along Sherman Drive, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities and structures. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton



and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel C6 - Tony A. Riley [ID 14-0186], and Parcel C7 - Sel Sherman Drive, LLC) [ID 14-0187]

- B. ID 14-0190 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential eminent domain proceedings against certain real property interests located in the T. Toby Survey, Abstract Number 1288, in the City of Denton, Denton County, Texas, being a fee interest in land, regarding a certain 2.493 acre tract of land located generally south of Beall Street and west of North Locust Street, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities, and structures, as well as substations. Consultation with the City's attorneys regarding legal issues associated with the potential proceedings against the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel C13 - North Locust Properties, LLC) [ID 14-0188]
- C. ID 14-0207 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; and Consultation with Attorneys - Under Texas Government Code, Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of and potential eminent domain proceedings against certain real property interests located in the M. Forrest Survey, Abstract Number 417, in the City of Denton, Denton County, Texas, being a fee interest in land, regarding a certain 10.372 acre tract of land located generally north of Blagg Road and east of Geesling Road, for the public use of expansion, construction, maintenance, operation, and improvement of electric transmission and distribution lines facilities, structures, and substations. Consultation with the City's attorneys regarding legal issues associated with the acquisition of land potential eminent domain proceedings against the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Municipal Electric Arco Substation Project) [ID14-0191]

- D. ID 14-0172 Certain Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086; and Consultation With Attorneys - Under Texas Government Code, Section 551.071. Receive further competitive public power, financial and commercial information from Denton Municipal Electric ("DME") staff regarding the procurement, acquisition, integration and implementation of ERCOT Shadow Settlement Software in its Energy Management Organization relating to its power purchase operations, which includes bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services for purposes of supporting the Energy Management Organization of the Power Supply Administration of DME; discuss, deliberate, provide staff with direction, consider and take final action on the Master Customer Agreement and any and all ancillary Agreements pertaining thereto. Consultation with the City's attorneys regarding legal issues associated with the above acquisition where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation; Consider an ordinance of the City Council of the City of Denton, Texas providing for, authorizing, and approving the execution by the City Manager of a "Master Customer Agreement" by and between the City of Denton, Texas and Ventyx, Inc., a Delaware Corporation, further authorizing and approving the execution of such other ancillary and related documents, including without limitation, licensing agreements and statements of work related to the Master Customer Agreement by the City Manager or his designee, which are incident or related thereto; confirming and ratifying that the City of Denton, Texas, its Mayor, its City Council members, its City Manager, its City Attorney, and their respective designees, shall be authorized and empowered to perform such acts and obligations as are reasonably required to complete and consummate this transaction; ratifying and confirming all prior actions taken by the City Council in furtherance of this procurement; and determining that said agreements pertain to a "Competitive Electric Matter" as set forth under the provisions of §§551.086 and 552.133 of the Texas Government Code, as amended; finding and determining that the approval of this transaction in a closed meeting of the City Council is further authorized under Texas law; adopting significant recitations, findings and conclusions, as are set forth in the preamble of this ordinance; finding that the matter of approval of the Master Customer Agreement was posted as required by law and was duly considered in a closed meeting of the City Council on the 3rd day of June, 2014 by a quorum of the Denton City Council and was duly approved by a vote taken in said closed meeting; providing that upon approval of the Ordinance, Master Customer Agreement and any and all ancillary agreements, by the City Council that the City Secretary is hereby authorized and directed to seal the said documents as Public Power documents, as provided by applicable Texas law; that this procurement is in the public welfare and is in the best interests of the ratepayers of Denton Municipal Electric; authorizing the expenditure of funds therefor; providing an effective date.

This item was not considered.

- E. ID 14-0200 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consult with and provide direction to City's attorneys regarding legal issues and strategies associated with Gas Well Ordinance regulation of gas well drilling and production within the City Limits and the extraterritorial jurisdiction, including: Constitutional limitations; statutory limitations upon municipal regulatory authority; statutory preemption; impacts of federal and state law and regulations; impacts of gas well drilling upon protected uses and vice-versa; moratorium on drilling and production; other concerns about municipal regulatory authority or matters relating to enforcement of the Gas Well Ordinance; and legal matters associated with a citizen's initiative regarding hydraulic fracturing where a public discussion of these legal matters would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.
  
- F. ID 14-0201 Consultation with Attorneys - Under Texas Government Code, Section 551.071. Consult with and provide direction to City's attorneys regarding legal issues regard to Item No. 3.B. of the June 3, 2014 Work Session Agenda, as it concerns legal issues associated with that item where a public discussion of this legal matter would conflict with the duty of the City's attorneys under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

This item was not considered.

- G. ID 14-0206 Deliberations regarding Real Property - Under Texas Government Code, Section 551.072; Consultation with Attorneys - Under Texas Government Code, Section 551.071. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the R. Longbottom Survey, Abstract Number 775, City of Denton, Denton County, Texas, and generally located on the east line of Virginia Street, north of U.S. Highway 380 (University Drive). Consultation with the City's attorneys regarding legal issues associated with the potential acquisition of the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project: Parcel P28 and P29 - Prescott Interests Ltd.)

This item was not considered.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall, 215 E. McKinney Street, Denton.

### **1. PLEDGE OF ALLEGIANCE**

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

## **2. ELECTION OF MAYOR PRO TEM**

Council Member Gregory motioned, Council Member Hawkins seconded to nominated Jim Engelbrecht as Mayor Pro Tem. On roll call vote, Council Member Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

## **3. PROCLAMATIONS/PRESENTATIONS**

- A. ID 14-0213 Resolution of Appreciation for Ross Chadwick

Mayor Watts presented a Resolution of Appreciation for Ross Chadwick.

## **4. CITIZEN REPORTS**

There were no citizen reports for this portion of the agenda.

## **5. CONSENT AGENDA**

Council Member Roden noted that he would like to pull Item O for separate consideration.

Council Member Roden motioned, Council Member Hawkins seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item O. On Roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Gregory "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

### Ordinance No. 2014-149

- A. ID 14-0160 Consider adoption of an ordinance authorizing the City Manager to execute a Professional Services Agreement (PSA) with Savant Group, Inc. for design and engineering services relating to the City of Denton Intelligent Transportation System (ITS) Trunk Lines project; and providing an effective date (File 5551-awarded to Savant Group, Inc. in a not-to-exceed amount of \$152,548.52).

### Ordinance No. 2014-150

- B. ID 14-0161 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the Pecan Creek Interceptor Phase II project; providing for the expenditure of funds therefor; and providing an effective date (Bid 5486-awarded to the lowest responsible bidder meeting specification, Speiss Construction Company, Inc. in the amount of \$1,427,624). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-151

- C. ID 14-0162 Consider adoption of an ordinance of the City of Denton, Texas providing for, authorizing, and approving the purchase of replacement and repair parts for the Lake Ray Roberts Water Treatment Plant clarification equipment, which are available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding; and providing an effective date (File 5553 awarded to Brentwood Industries, Inc. in the not-to-exceed amount of \$100,000). The Public Utilities Board recommends approval (6-0).

Ordinance No, 2014-152

- D. ID 14-0164 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for laboratory services for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5469-awarded to Ana-Lab Corporation in the three (3) year not-to-exceed amount of \$190,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-153

- E. ID 14-0165 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for Distribution Gang Operated Air Break (GOAB) Switches for Denton Municipal Electric; providing for the expenditure of funds therefore; and providing an effective date (RFP 5231-awarded to Stuart C. Irby in the three (3) year not-to-exceed amount of \$187,395).

Ordinance No. 2014-154

- F. ID 14-0166 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for galvanized steel transmission poles for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5404-awarded to Valmont Newmark in the three (3) year not-to-exceed amount of \$15,590,000). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-155

- G. ID 14-0167 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for electric capacitor controllers for Denton Municipal Electric; providing for the expenditure of funds therefor; and providing an effective date (RFP 5297-awarded to Stuart C. Irby in the three (3) year not-to-exceed amount of \$461,100).

Ordinance No. 2014-156

- H. ID 14-0168 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a purchase order through the Buy Board Cooperative Purchasing Network for the acquisition of five (5) Chevrolet half ton trucks for the City of Denton; and providing an effective date (File 5559 awarded to Caldwell Country in the amount of \$126,871). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2014-157

- I. ID 14-0175 Consider adoption of an ordinance providing for the expenditure of funds for the emergency purchase of a Peterbilt Roll-Off Refuse Truck with Wastequip Hoist and Tarper in accordance with provisions of State law exempting such purchases from requirements of competitive bidding; and providing an effective date (File 5560-awarded to Rush Truck Center, Crane in the amount of \$174,419).

Ordinance No. 2014-158

- J. ID 14-0176 Consider adoption of an ordinance of the City Council of the City of Denton, Texas, approving a grant application from John Lenz, representing Chident Holdings, LLC, from the Downtown Reinvestment Grant Program not to exceed \$25,000; and providing for an effective date. The Economic Development Partnership Board recommends approval 6-0.

Ordinance No. 2014-159

- K. ID 14-0179 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton and the Collegiate Entrepreneurs' Organization of the University of North Texas for reimbursement of costs associated with the TEDXUNT Event on April 26, 2014; authorizing and ratifying the expenditure of funds; and providing for an effective date. (\$1,470)

Ordinance No. 2014-160

- L. ID 14-0180 Consider adoption of an ordinance authorizing the City Manager or his designee to execute a Purchase Agreement, by and between the City of Denton, Texas ("City"), as buyer, and Ken Hodge & Associates, Inc., a Texas corporation (the "Owner"), as seller, to acquire fee simple title to a 0.850 acre tract situated in the M.E.P. & P.R.R. Survey, Abstract No.1469, located in the City of Denton, Denton County, Texas, and being generally located in the 1300 block of North Mayhill Road; for the purchase price of One Hundred Twenty Thousand Eight Hundred Eighty Seven Dollars and No Cents (\$120,887.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached hereto and made a part hereof as Exhibit "A", authorizing the expenditure of funds therefor; and providing an effective date. (Parcel M028, Ken Hodge & Associates, Inc. - Mayhill Road Widening and Improvements project)

Ordinance No. 2014-161

- M. ID 14-0181 Consider adoption of an ordinance of the City of Denton, Texas, authorizing the execution of a Fourth Amendment to Right of Entry and possession, by and between the City of Denton ("City") and the Denton County Transportation Authority ("DCTA"), amending that certain right of entry and possession, between the City and DCTA, May 3, 2011, granting DCTA access to the Euline Brock Downtown Denton Transit Center ("DDTC) and certain lands surrounding the DDTC, located in the Hiram Sisco Survey, Abstract Number 1184, to conduct public transportation related operations; and providing an effective date.

Ordinance No. 2014-162

- N. ID 14-0183 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and the Denton Air Fair for the purpose of expenses for the Denton Air Fair; authorizing the expenditure of funds; and providing for an effective date. (\$500)

Resolution No. R2014-023

- P. ID 14-0192 Consider approval of a resolution of the City of Denton, Texas certifying funding and support for the 2014 Transportation Alternatives Program application with the North Central Texas Council of Governments, authorizing the City Manager to submit an application to receive funding to implement a bike share program through the program and, if the grant is approved, to execute the grant agreement and take other actions necessary to implement the grant; and providing an effective date.

Item O was considered.

Ordinance No. 2014-163

- O. ID 14-0185 Consider adoption of an ordinance of the City of Denton authorizing an agreement between the City of Denton, Texas and SCRAP Denton for the purpose of capital needs; authorizing the expenditure of funds; and providing for an effective date. (\$900)

Council Member Gregory left the meeting with a conflict of interest.

Council Member Hawkins motioned, Council Member Roden seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Item O. On Roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Council Member Gregory returned to the meeting.

**6. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

Ordinance No. 2014-164

- A. ID 14-0186 Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain one permanent Electric Utility Easement and one Temporary Construction Easement encumbering 2.192 and 1.160 acres of land respectively; the permanent Electric Utility Easement to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (therein the ordinance as the " DME Expansion Project"); the Temporary Construction Easement to be used and utilized for the purpose of access, staging of materials and equipment, construction, and grading activities relating to the DME Expansion Project; the

affected lands and interests being generally situated in the S McCracken Survey, Abstract Number 817, City of Denton, Denton County, Texas, as more particularly described in Exhibits "A-1" and "A-2", and depicted in Exhibits "B-1" and "B-2", respectively, attached to the ordinance and made a part thereof (said tracts of land and all related interests therein to be acquired and damages resulting there from collectively referred to therein the ordinance as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel C6 - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project)

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner for the subject land rights were necessary for the Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade project. The negotiations had reached an impasse. Approval of the subject ordinance authorized staff to acquire the land rights necessary by way of exercising the City's eminent domain authority.

Council Member Gregory motioned, Council Member Roden seconded:

"I move that the City of Denton, Texas, authorize the use of the power of eminent domain to acquire (1) a permanent easement acquisition encumbering 2.912 acres of real property, and (2) a temporary construction easement acquisition encumbering 1.160 acres of real property, being generally located in the S. McCracken Survey, Abstract No. 817, and all being more particularly described in Exhibits "A-1" and "A-2" and depicted in Exhibits "B-1" and "B-2", respectively, to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas."

On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Real property description is attached as Exhibit 1 to the minutes.

Ordinance No. 2014-165

- B. ID 14-0187 Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain one permanent Electric Utility Easement and one Temporary Construction Easement encumbering 0.040 and 0.048 acres of land respectively; the permanent Electric Utility Easement to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (therein the ordinance as the " DME Expansion Project"); the Temporary Construction Easement to be used and utilized for the purpose of access, staging of materials and equipment, construction, and grading activities relating to the DME Expansion Project; the affected lands and interests being generally situated in the S McCracken Survey, Abstract Number 817, City of Denton, Denton County, Texas, as more particularly described in Exhibits "A-1" and "A-2", and depicted in Exhibits "B-1" and "B-2",



respectively, attached to the ordinance and made a part thereof (said tracts of land and all related interests therein to be acquired and damages resulting there from collectively referred to therein the ordinance as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Parcel C7 - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project)

Pamela England, Real Estate Specialist, presented the details of the proposal for eminent domain which was for the DME Expansion Project. Ongoing negotiations with the affected property owner had reached an impasse. Approval of the subject ordinance authorized staff to acquire the land rights necessary by way of exercising the City's eminent domain authority.

Council Member Hawkins motioned, Council Member Roden seconded:

"I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire (1) a permanent easement acquisition encumbering 0.040 acres of real property, and (2) a temporary construction easement acquisition encumbering 0.048 acres of real property, being generally located in the S. McCracken Survey, Abstract N0. 817, and all being more particularly described in Exhibits "A-1" and "A-2", and depicted in Exhibits "B-1" and "B-2" respectively, to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas."

On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Real property description is attached as Exhibit 2 to the minutes.

Ordinance No. 2014-166

- C. ID 14-0188 Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain fee simple title to the surface estate, with waiver of surface use related to the mineral estate, of a 2.493 acre tract of land to be used and utilized for and in connection with the expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution lines, facilities, and structures (therein the ordinance, the "DME Expansion Project"); the affected lands and interests being generally situated in the T. Toby Survey, Abstract Number 1288, City of Denton, Denton County, Texas, as more particularly described and depicted in Exhibit "A", attached thereto the ordinance and made a part thereof (said tract of land and all related interests therein to be acquired and damages resulting there from collectively referred to therein the ordinance as the "Property Interests"); (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (V) providing an effective date. (Parcel C13 - Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade Project)

Pamela England, Real Estate Specialist, stated that ongoing negotiations with the affected property owner for the subject land rights necessary for the Denton Municipal Electric 69kV Spencer to Denton North Interchange Transmission Line Upgrade project had reached an impasse. Approval of the subject ordinance authorized staff to acquire the land rights necessary by way of exercising the City's eminent domain authority.

Council Member Johnson motioned, Council Member Roden seconded:

"I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire a fee title estate to 2.493 acres of real property, being generally located in the T. Toby Survey, Abstract No. 1288, and all being more particularly described and depicted in Exhibit "A", respectively, to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME Expansion Project in the City of Denton, Texas. This motion included the substituted legal description what was provided Council."

On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Real property description is attached as Exhibit 3 to the minutes.

Ordinance No. 2014-167

- D. ID 14-0191 Consider adoption of an ordinance (I) finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain fee simple title to a 10.372 acre tract of land to be used and utilized for and in connection with expansion, construction, maintenance, replacement, augmentation, and improvement of electric transmission and distribution facilities, and structures; the affected land(s) and interest(s) being generally situated in the M. Forrest Survey, Abstract Number 417, City of Denton, Denton County, Texas, as more particularly described in Exhibit "A" attached thereto the Ordinance and made a part thereof, located generally in the NW quadrant of the intersection of Geesling Road and Blagg Road (the "Property Interest") (II) authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; (III) authorizing the expenditure of funds therefore; (IV) making findings; (V) providing a savings clause; and (VI) providing an effective date. (Denton Municipal Electric ARCO Substation Project) (The Public Utilities Board recommends approval 6-0)

Galen Gillum, Executive Manager of Electric Administration, stated that the DME Capital Improvement Plan included the reconstruction of the Arco Substation. On January 13, 2014, the Public Utility Board and the City Council approved the proposed site selection. Further, the City Council approved the procurement of the site via purchase offer on April 1, 2014. Per these authorizations, the City had presented the initial and final offers to the property owner(s). DME has anticipated that it may be necessary to move forward with preparations for eminent domain proceedings in the event that negotiations to purchase fail.

Mayor Pro Tem Engelbrecht motioned, Council Member Hawkins seconded to:

“I moved that the City of Denton, Texas authorize the use of the power of eminent domain to acquire a fee acquisition of 10.372 acres of real property, being generally located in the M. Forrest Survey, Abstract No. 417, all being more particularly described and depicted on Exhibits “A” and “B”, respectively, to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the DME expansion project in the City of Denton, Texas.”

On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Real property description is attached as Exhibit 4 to the minutes.

## **7. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. ID 14-0208 Receive Certification of an Initiative Petition regarding the banning of hydraulic fracturing in the city of Denton from the City Secretary and give staff direction.

Jennifer Walters, City Secretary, stated that on May 7, 2014, members of a Committee of Petitioners submitted an initiative petition regarding the banning of hydraulic fracturing in the city of Denton. The required elements of the petition were reviewed, found to be sufficient and the petition was certified to be in compliance with the provisions of the City Charter.

City Attorney Burgess stated that Section 4.07 of the Charter indicated whenever the Council received a certified petition from the City Secretary, the Council shall proceed at once to consider the petition. Further, the Council must take final action on an initiative ordinance within 60 days after certification of the petition to the City Council by the City Secretary. The Charter also detailed that the proposed initiative ordinance shall be read and provisions made for a public hearing regarding the proposed ordinance. The proposed ordinance would be sent to voters if Council did not pass the initiative ordinance or if Council passed an ordinance in a different form from the ordinance proposed in the petition.

- B. ID 14-0218 Consider appointments to Council Committees.

The Council reviewed the list of appointments which was updated from the Work Session.

Council Member Gregory motioned, Council Member Roden seconded to approve the appointments as submitted. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

## **8. PUBLIC HEARINGS**

- A. Z14-0007 Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, providing for a zoning change from a Downtown Residential 2 (DR-2) zoning district classification and use designation to a Downtown

Commercial General (DC-G) zoning district classification and use designation; on approximately 0.184 acres, located on south side of West Oak Street approximately 104 feet west of the intersection of West Oak Street and Avenue B, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends approval (6-0).

Brian Lockley, Director of Planning and Development, presented the details of the CVS Pharmacy request. The property was located on south side of West Oak. He reviewed the current zoning, proposed zoning map, future land use map, site photos, and zoning district comparisons.

This rezoning application was a condition of approval for V14-0001 and V14-0002; subdivision variances which were approved by the Planning and Zoning Commission on March 5, 2014. While commercial uses were permitted in the DR-2 district, they must comply with Limitation L(15) which limits retail uses to a maximum of 5,000 square feet of gross floor area. The proposed CVS Pharmacy will be 13,013 square feet in gross floor area. In addition, an approved rezoning would allow the proposed development to meet the minimum landscaping requirements, specifically the required 20 percent tree canopy coverage. The applicant held a neighborhood meeting on April 22, 2014 with two property owners in attendance. The concerns noted by the attendees were regarding the need for a fence between the subject site and the multifamily development located to the west. The Planning and Zoning Commission and the Development Review Committee recommend approval.

Council Member Gregory asked if there was going to be a drive through.

Lockley stated no.

Council Member Roden asked about the hardship application that was requested.

Lockley stated that the request for a hardship variance was to allow for a spacing requirement which did not meet code. This would allow changes in movement of vehicles for a different view and future development of the area,

Council Member Roden asked if the hardship variance was requested as the development could not meet landscaping requirements

Lockley stated that the developer wanted to provide a third access and the question was how to meet all of the requirements with landscaping, etc. if that were approved.

Council Member Roden asked if Planning still had concerns with the proposal.

Lockley stated that they were able to mitigate as best as possible with the development. He emphasized that this request was strictly for rezoning of the property with details of the project still needing to go the Planning and Zoning Commission for review.

City Attorney Burgess asked about applying an overlay on the property.

Lockley stated that if there were done and the property did not develop there would be provisions in place that might not work for other types of development and would have to be redone.

Council Member Roden questioned if this was something CVS needed for a third entry point.

Lockley stated that it was more for efficiency if going west on West Oak a driver would not have to go down to Avenue B to access the property.

Council Member Hawkins asked if CVS could revise the plans and add a drive through.

Lockley stated that this proposal was as close as possible to be final as could be without pulling permits.

The Mayor opened the public hearing.

Chase Helm and William Scazzero, representing CVS, were in support and available for questions.

Council Member Roden asked Helm why the drive was needed.

Helm stated that it would make it easier to get into the CVS with the drive.

Council Member Roden asked about the site plan.

Helm stated that the plans were ready to go as shown.

Council Member Johnson commented that in terms of walkability of the area, much of the pedestrian traffic from campus would be going northbound. As he looked at the site plan, westbound traffic on Oak would turn left on Avenue B with a right turn in which he felt most students would be walking. A left turn off Oak could reduce danger as a vehicle would have to go past the intersection.

Mayor Watts asked Helm if there was the intention to have a drive through.

Helm stated that there would be no drive through at this site.

The Mayor closed the public hearing.

Council discussed the pros and cons of the additional entrance and the use of a joint access with the neighboring property. The legal issue of doing this at this time was also discussed in addition to the possibility of adding a condition to the zoning.

Mayor Pro Tem Engelbrecht motioned, Council Member Roden seconded to continue to a date certain of June 17<sup>th</sup> to allow for a discussion of all options with the applicant for a shared access point on Oak Street with the understanding that some of the landscaping might have to be eliminated. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2014-168

- B. Z14-0002 Hold a public hearing and consider adoption of an ordinance approving a rezoning of 2.98 acres from Neighborhood Residential Mixed Use (NRMU) zoning district to the Neighborhood Residential Mixed Use 12 (NRMU-12) zoning district with a mixed use residential protection overlay. The subject property is generally located on the west side of Teasley Lane, across from Ranchman Blvd., and is legally described as a 2.98 acre portion of a called 13.194 acre tract situated in the J. Fisher Survey, Abstract 0421a, in the City of Denton, Denton County, Texas; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof, severability and an effective date. The Planning and Zoning Commission recommends approval (6-0) and stated their intent was to include the mixed use residential protection overlay conditions.

Bryan Lockley, Director of Planning and Development, stated that the applicant was requesting to rezone the subject property to NRMU-12 to construct single family detached homes and/or townhomes. The subject tract was part of a larger property with two designated zoning districts of NRMU and NRMU-12. If approved, the developer would use this tract to connect two proposed residential subdivisions. He displayed the location map, future land use, site photos, zoning analysis, and location of area gas wells. Staff recommended a Mixed Use Residential Protection Overlay for the property which included notifications regarding the area gas wells to potential purchasers of the property. The Planning and Zoning Commission and the Development Review Committee recommended approval.

Mayor Watts questioned if there were any plats filed with wells within 1200 feet of a residence.

Lockley stated that there were two gas wells that were approved in the site plan process and no other gas wells within 1200 feet.

Mayor Pro Tem Engelbrecht stated that the proposal had mentioned single family and senior housing. He questioned if there was any senior housing within 1200 feet of the gas wells.

Lockley stated that everything would be outside that distance.

The Mayor opened the public hearing.

Thomas Fletcher, Kimley-Horn and Associates, spoke in favor of the proposal and noted that the proposed development was for single family homes only. Senior housing was not included in this proposal.

The Mayor closed the public hearing.

Council Member Hawkins motioned, Council Member Roden seconded to adopt the ordinance as written. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2014-169

- C. Z13-0011 Hold a public hearing and consider adoption of an ordinance regarding a rezoning from a Neighborhood Residential 4 (NR-4) zoning district to a

Neighborhood Residential Mixed Use (NRMU) zoning district, with an overlay restriction, on approximately 4.9 acres. The property is located at the northeastern corner of McKinney Street and Mockingbird Lane; and providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability and an effective date. (Z13-0011) The Planning and Zoning Commission recommends approval (6-0) with overlay restriction.

Bryan Lockley, Director of Planning and Development, presented the details of the proposed rezoning indicating that this proposal was for a City fire station on the corner of McKinney and Mockingbird. He reviewed the location map of the property, the zoning map, proposed zoning map, future land use map, and public notification map. The rezoning was subject to an overlay condition that the property could only be used for a fire station with no other uses allowed. The Planning and Zoning Commission and the Development Review Committee recommended approval.

Council Member Roden stated that some comments from those opposed to the proposal stated that they were concerned about apartments being built there. He questioned what the notice said that made people think apartments would be there.

Lockley stated that those types of comments were typical when the list of permitted uses was presented. In order to eliminate those concerns, the restriction of only allowing a fire station was added.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Roden motioned, Council Member Gregory seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Engelbrecht "aye", Council Member Hawkins "aye", Council Member Johnson "aye", Council Member Roden "aye", Council Member Ryan "aye", and Mayor Watts "aye". Motion carried unanimously.

## **9. CITIZEN REPORTS**

There were no citizen reports for this section of the agenda.

## **10. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official,

public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda. B. Possible Continuation of Closed Meeting under Sections 551.071-551.086 of the Texas Open Meetings Act.

Council Member Roden requested an update on the smoking ordinance.

Mayor Watts requested the following:

- Consider adding the Black Chamber of Commerce and Hispanic Chamber of Commerce as EDP Board members
- Discussion on tax incentive policy and associated wage level
- Consider the creation of recruitment teams to promote Denton
- Consider setting a goal for EDP and Council on how many new jobs were wanted in Denton at what wage level
- Consider increasing the public comment time in public hearings to 5 minutes
- Discussion on the letter of support from the HLC on a historic marker for CH West
- Hold a Work Session/report from Finance on a way to determine costs per capita as the city grows to plan for revenue generation – based on number of people per services provided such as police and fire
- Informal Staff Report or Work Session on timelines for the development process-summary form of the process
- Work Session on a reporting mechanism for each development application and where the application was in the process
  
- Work Session on the tree code – either a report from the Committee on the Environment or a report on the status of the tree code, where the impasse was, how to get it moving. Also how developers can pay into tree code and receive credit for trees planted later in the development.

Mayor Watts noted that there was one Work Session item that had not been considered and two Closed Meeting items. He asked Council for their preference on doing those items now or postponing them.

Consensus of the Council was to not consider the items.

With no further business, the meeting was adjourned at 9:00 p.m.

---

CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

---

JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS